



KENTUCKY BOARD OF EDUCATION

BOARD NOTES

Volume 15, No. 6 Report of the December 6-7, 2007, Regular Meeting

STATE BOARD APPROVES COMMISSIONER DRAUD'S CONTRACT

At the December 6-7 Kentucky Board of Education meeting, the Board took official action to approve Dr. Jon Draud's contract as the new commissioner of education. The term of the contract is four years.

In his first report to the Board, Commissioner Draud emphasized the "sense of urgency" needed to reach proficiency. He also reiterated the theme of "collaboration and cooperation" among all stakeholders that is vital in order to reach proficiency.

For more information on the new commissioner, contact Mary Ann Miller at (502) 564-3141 or via email at MaryAnn.Miller@education.ky.gov.

BEN CUNDIFF CHOSEN AS JOSEPH W. KELLY AWARD RECIPIENT

Mr. Ben Cundiff of Cadiz, Kentucky was chosen as the 2007 recipient of the Joseph W. Kelly Award. The award is conferred annually on a businessperson or an organization that has offered outstanding leadership and service toward promoting school improvement and equity of educational opportunity for Kentucky's children at the school, community and/or state levels. It is named in honor of Joseph W. Kelly, distinguished former chair of the Board for seven years.

Mr. Cundiff graduated from Vanderbilt University in 1970 with a Bachelor of Chemical Engineering and the Vanderbilt University Law School in 1973. He joined the Nashville law firm of Deerborn and Ewing where he became managing partner. In 1991, Mr. Cundiff bought the Trigg County Farmers Bank in Cadiz where he served as CEO and



chair of the board until 2000. Since 1967, he has been the owner/operator of Cundiff Farms in Cadiz. This farm is one of the largest diversified farms in Kentucky where Ben farms approximately 12,000 acres.

Throughout the years, Ben Cundiff has donated his time, talents and monetary assistance to many organizations, programs and boards. His memberships include:

- West Kentucky Academy Town Hall (chair)
- Trigg County Hospital Board
- Community Foundation of Christian, Todd and Trigg Counties
- Martha O'Bryan Center in Nashville
- FNB Bank of Mayfield, KY
- Community Foundation of Middle Tennessee
- Kentucky State Park Foundation

Beyond these contributions, he has contributed to the implementation and nurturing of programs helping to improve the education of Kentucky students as follows:

- Locally, Mr. Cundiff is an active member of Rotary, chairing the Century Club that has raised thousands of dollars each year for scholarships for the students of the Trigg County Schools. \$70,000 was raised in one year alone.
- His work with the Kentucky Datastream Initiative has resulted in Trigg County High School having 30 Apple eMac computers available for use by students while the computers, linked with others across the state, are running cancer research in the background.
- Ben and his wife, Janine, offered their collection of works of art acquired while visiting the country of Bhutan to the Janice Mason Art Museum in Cadiz. The exhibit was a tremendous educational opportunity for the entire region.
- In the fall of 2007, the Gatton Academy of Math and Science opened its doors on the Western Kentucky University campus to provide challenging opportunities for Kentucky students who are advanced in math and science. Mr. Cundiff is a strong and active proponent of this program.
- He serves on the Board of Advisors of the Center for Gifted and Talented.
- In recognition of his commitment to education, Mr. Cundiff has been invited to be a member of the Kentucky Governor's Scholars Program and the Prichard Committee.
- He is the coordinator of the Trigg County Youth Leadership Program Agriculture Day and offers his farm as a model site to assure an educational experience for the group.

Mr. Cundiff was nominated by Trigg County Superintendent Tim McGinnis who said in the nomination submission: "Ben Cundiff is not only a man of prominence; more importantly, he is a man of significance."

For more information on Mr. Ben Cundiff, contact Mary Ann Miller at (502) 564-3141 or via email at MaryAnn.Miller@education.ky.gov.

705 KAR 4:250, ENERGY TECHNOLOGY ENGINEERING CAREER PATHWAY GIVEN EMERGENCY APPROVAL

705 KAR 4:250, a regulation titled “Energy Technology Engineering Career Pathway”, was given emergency approval at the December meeting. The regulation was promulgated in response to the General Assembly’s passage of House Bill 1 that directed the Kentucky Department of Education to create an energy-technology career track program that local school districts can offer to middle and high school students. The bill also provided for an appropriation of \$300,000 to be distributed to local districts before the end of the 2007-08 school year on a competitive basis to support this work. Thus, the Board agreed to approve the regulation on an emergency basis so that it could take effect immediately.

For more information on 705 KAR 4:250, contact Dr. Johnnie Grissom at (502) 564-4970 or Henry Lacy at (502) 564-3472 or via email at Johnnie.Grissom@education.ky.gov or Henry.Lacy@education.ky.gov.

REPORT FROM THE COMMISSION ON INTERSCHOLASTIC ATHLETICS PRESENTED TO KENTUCKY BOARD OF EDUCATION

Recreated by the Kentucky Board of Education in April 2007, the Commission on Interscholastic Athletics presented its report to the Board at the December meeting. The Commission was charged with reviewing the operational efficiency of the Kentucky High School Athletic Association (KHSAA) and consisted of the following members:

Judicial District 1 – James Kenneth Shadowen, Benton, KY
Judicial District 2 – Thomas E. Gumm, Glasgow, KY
Judicial District 3 – Jane Adams Venters, Somerset, KY
Judicial District 4 – Sherron A. Hoehler-Gambert, Louisville, KY
Judicial District 5 – Harvey D. Thompson, Lexington, KY
Judicial District 6 – Brenda Jackson, Shelbyville, KY
Judicial District 7 – Dr. Zella Wells, Paintsville, KY (NOTE: Dr. Wells resigned in November due to a possible conflict of interest on an athletic issue between the school district where she works and the KHSAA.)

The Commission met six times in 2007 and included a public hearing as part of its deliberations. The following findings/recommendations were generated by the Commission:

General Business Practices

After a review of audits, management letters and the *KHSAA Financial Policies and Procedures Manual*, it appears that the business practices of KHSAA are conducted efficiently.

Board of Control Membership

No change is recommended in the number, configuration or term limits of the KHSAA Board of Control. The Commission does recommend that superintendent participation on

the Board of Control be encouraged and that the Kentucky Board of Education keep this topic on the radar in the future to see if change is merited.

Athletic Appeals

- The Commission noted that the available case data did not demonstrate an inconsistent or inappropriate pattern as to eligibility rulings. However, the data did support that the rulings on student athletic eligibility should be handled through a revised process designed to reduce the time it takes to handle appeals and make the process more user-friendly to affected families. The revised process would consist of the following steps:
 - The request for a ruling of eligibility would come in from the school or a parent/legal guardian to a KHSAA Compliance Officer, who would promptly make a ruling on whether a student is eligible.
 - If the student is ruled ineligible, an appeal could be filed with KHSAA and it would be heard by a Hearing Officer, who would issue findings of fact and recommendations that would go to the KHSAA commissioner.
 - The KHSAA commissioner would promptly review the Hearing Officer's findings of fact and recommendations and confirm these unless evidence exists that the Hearing Officer's ruling violates the law or is incorrect.
 - If a party does not agree with the ruling, then an appeal can proceed on to the court system.

The KHSAA Board of Control would be taken out of involvement in the appeals process, which reduces the amount of time it takes to get the final ruling because the student will no longer be waiting for the Board of Control to meet on appeals. Also, this will reduce the number of required meetings for the Board of Control and thus reduce expenses.

- If through the revised process described above for determining eligibility, the Hearing Officer finds the student eligible, the student should be eligible to play pending the KHSAA commissioner's decision.
- The KHSAA Board of Control should review the implementation of the new appeals process at least annually.
- KHSAA needs to implement ongoing member education to ensure prompt eligibility determinations. Principals and athletic directors must be aware of the need to file requests for eligibility rulings by certain dates in order for the requests to come in and be processed before the sports season in which the student is involved.
- Parent education/communication should be increased on the front end of the athletic process to assist in reducing the number of athletic appeals.
- No change is recommended on the risk of school sanctions for playing a student during judicial review.

Accurate and Consistent Enforcement of Existing Bylaws

Based on the information received by the Commission, no inconsistent patterns of enforcement were evident. Without going through every case file, the Commission cannot speak further on this matter. It is believed that the recommended streamlined appeals process will result in improved credibility.

Recruiting Concerns

The Board of Control's subcommittee that has been formed to continue looking at public/nonpublic athletic issues should explore improved standards and processes under Bylaw 10 for addressing recruiting concerns and the KHSAA should report progress from this study to the Kentucky Board of Education.

Catastrophic insurance

The current process should continue.

Audits

KHSAA should issue a Request for Proposals for an auditor every five years and periodically rotate the choice of public accounting firms.

Standards for Athletic Eligibility Relative to Academic Standards

No change in Bylaw 5 should occur; however, the ability to set a higher standard by the school council for athletic participation should be included in the training of councils and KHSAA should communicate with the Kentucky Association of School Councils about this matter.

Legal Assistance

For the purpose of cost containment, KHSAA should employ a **full-time**, in-house counsel for the majority of legal issues and access external legal representation when needed.

Bylaw 4, Enrollment

The KHSAA Board of Control should review Bylaw 4, Enrollment, to ensure that it is equitable for all students.

Conclusion

The Commission on Interscholastic Athletics thanks everyone who contributed to its study and respectfully requests the Kentucky Board of Education to consider and implement its recommendations.

The Board asked KHSAA Commissioner Brigid DeVries to take the report back to the KHSAA Board of Control for review. DeVries was asked to request that the Board of Control send its reaction to the report in written form to the Kentucky Board of Education by its February meeting.

At the February meeting, the Board will then consider the Board of Control's response and the recommendations from the Commission's report as it decides what course of action to pursue.

For more information on the Commission on Interscholastic Athletics and its report, contact Mary Ann Miller at (502) 564-3141 or via email at MaryAnn.Miller@education.ky.gov.

THREE ASSESSMENT REGULATIONS REVIEWED BY THE STATE BOARD

The Kentucky Board of Education reviewed and discussed the following potential changes to the listed assessment regulations:

703 KAR 5:020, The formula for determining school accountability –

- The requirement is established for a uniform test of reading/language arts and mathematics at grade three/end of primary. The norm-reference test (NRT) is proposed as five percent of the elementary accountability and content area weights in reading, mathematics, science and social studies are reduced slightly. Applying a weight to each of the four national percentile ranges will generate the elementary NRT index. This same process was used to include NRT results in the past.
- An index created from EXPLORE will be an additional middle school component. The ACT Middle School Index is proposed as five percent of the middle school accountability and content area weights in reading mathematics, science, social studies, writing, practical living/vocational studies and arts and humanities are reduced slightly. Applying a weight to each of eight EXPLORE composite score ranges will generate an ACT Middle School Index, which is consistent with the process for generating the ACT High School Index.
- A concordance model will serve as an interim bridge from new to old CATS and new growth charts with new goal and assistance lines will be generated in 2008.
- The statewide administration of WorkKeys will be cancelled for 2007-08, due to a funding shortfall. This impacts the timeline for when data is available to include in the Transition to Adult Life calculations and requires a new reporting date of 2009-2010.
- The term “low novice” is proposed to replace the term “novice nonperformance”.
- For consistency in naming conventions, grade three is also identified as end of primary and the ACT Index at high school is renamed the ACT High School Index.

703 KAR 5:060, Interim Accountability Model –

- The major proposed amendment involves the implementation of an interim accountability model using the concordance to bridge new and old CATS only for 2006-07 and 2007-08.

703 KAR 5:001, Assessment and Accountability Definitions –

- In order to achieve compliance with the *No Child Left Behind Act* and the Individuals with Disabilities Act, the Alternate Assessment program was revised in 2006-07. The program is no longer only a portfolio system; students participate in multiple components including portfolio, attainment tasks and a transition attainment record. Language changes reflecting this are proposed.
- Language is amended to reflect the three assessments administered in the fall – EXPLORE, PLAN and 12th grade On-demand Writing.
- Several dates and definitions are affected by the implementation of concordance as the interim bridge model.
- New definitions for statistical concordance model and low novice have been added.

All three regulations will come back to the Board in February for final approval. For more information on the proposed changes to these assessment regulations, contact Ken Draut at (502) 564-2256 or via email at Ken.Draut@education.ky.gov.

OTHER ITEMS APPROVED AT THE DECEMBER 6-7 MEETING WERE:

- Minutes from the October 3-4, October 28, November 9, November 13-14, and November 25 meetings
- Waiver for Daviess County Schools' Potential Commonwealth Diploma Recipients
- 2007-2008 Local District Tax Rates Levied
- District Facility Plans for Bullitt County and Fort Thomas and Fulton Independents
- District Facility Plan Amendments for McCracken, Menifee and Montgomery Counties and Russellville Independent
- Release of Frankfort Independent from a Declaration of Emergency
- 702 KAR 3:130, Internal Accounting (Final)

OTHER ITEMS REVIEWED IN DECEMBER WITH NO ACTION TAKEN WERE:

- 702 KAR 1:001, Implementation guidelines – Kentucky School Facilities Planning Manual
- Update on Adolescent Literacy

- Update on the performance of students at the Kentucky School for the Blind and Kentucky School for the Deaf
- What proficiency looks like
- 702 KAR 3:270, SEEK Funding Formula
- 702 KAR 7:065, Designation of Agent to Manage High School Interscholastic Athletics
- KHSAA Annual Reporting Requirements
- KHSAA Title IX update of Phase 2 of the 2007-08 KHSAA Audit Visit Schedule
- KDE Employment Report

MEETING DATES FOR 2007, 2008 AND 2009

KBE Meeting Dates 2008

<u>2008</u>	<u>Type of Meeting</u>	<u>Location</u>
February 6-7, 2008	Regular meeting	Frankfort
March 5, 2008	Regular meeting	Available hotel, Richmond or Boone Tavern, Berea
April 2-3, 2008	Regular meeting	Frankfort
May 13-14, 2008	KBE retreat/strategic plan Discussion	Kentucky Dam Village State Park, Gilbertsville Or Lake Barkley Lodge
June 11-12, 2008	Regular meeting	Frankfort
July 9, 2008	Regular meeting	Frankfort
August 6-7, 2008	Regular meeting	Frankfort
September 10, 2008	Regular meeting	Cumberland Falls State Park, Corbin
October 1-2, 2008	Regular meeting	Frankfort
November 5, 2008	Regular meeting	Rough River State Park, Falls of Rough
December 10-11, 2008	Regular meeting	Frankfort

KBE Meeting Dates 2009

<u>2009</u>	<u>Type of Meeting</u>	<u>Location</u>
January 14, 2009	Regular meeting	Frankfort
February 4-5, 2009	Regular meeting	Frankfort
March 4, 2009	Regular meeting	Jenny Wiley State Park, Prestonsburg
April 1-2, 2009	Regular meeting	Frankfort
May 12-13, 2009	KBE retreat/strategic plan Discussion	Available hotel, Lexington
June 10-11, 2009	Regular meeting	Frankfort

<u>2009</u>	<u>Type of Meeting</u>	<u>Location</u>
July 8, 2009	Regular meeting	Frankfort
August 5-6, 2009	Regular meeting	Frankfort
September 9, 2009	Regular meeting	Available hotel, Owensboro
October 7-8, 2009	Regular meeting	Frankfort
November 5, 2009	Regular meeting	General Butler State Park, Carrollton
December 9-10, 2009	Regular meeting	Frankfort

For questions on the Kentucky Board of Education's meeting schedule, contact Mary Ann Miller at (502) 564-3141 or via email at MaryAnn.Miller@education.ky.gov.

The actions described above were taken in open session of the Kentucky Board of Education at the December 6-7, 2007, regular meeting conducted in the State Board Room, Capital Plaza Tower, 1st Floor, Frankfort, Kentucky. This information is provided in summary form, and an official record of the meeting is available on tape in the permanent records of the Kentucky Board of Education, First Floor, Capital Plaza Tower, Frankfort, Kentucky 40601. These records are open for inspection Monday through Friday, 8:00 a.m. - 4:30 p.m.

For additional information about the Kentucky Board of Education meetings, agendas, minutes or special accommodations needed for attending meetings, contact Mary Ann Miller, Policy Advisor at (502) 564-3141.

The Kentucky Board of Education does not discriminate on the basis of race, color, national origin, sex, religion, age, or disability in employment or the provision of services.